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FAX

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DATE: September 6, 2005

PLEASE DELIVER TO:	PHONE NO.:	FAX NO.:
U.S.P.T.O		(571) 273-8300
ART UNIT: 2873		

FROM: Kenneth R. Backus, Jr. PHONE: (650) 843-5289 REPLY FAX: (650) 857-0663

RE: U.S. Patent Application No.: 10/722,836

NUMBER OF PAGES, INCLUDING COVER PAGE: 3	Client Number: 300001-2009
	Requestor #: 12590

MESSAGE:

Attached are the following documents:
Transmittal;
Response to the Restriction Requirement

If you do not receive all of the pages, please call
Dolores McKay at (650) 843-5723 as soon as possible.

Rev. 11/19/2001

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PATENT

Attorney Docket No.: COAD-005/00US

SEP 06 2005

I hereby certify that this correspondence is being transmitted by facsimile addressed to Mail Stop Amendment, Art Unit 2873, Commissioner for Patents, Facsimile Number (571) 273-8300, at United States Patent and Trademark Office, Alexandria, VA 22314 on SEPTEMBER 6, 2005.

By: Dolores McKay
Dolores McKay**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Jack Robert KELLY, et al.

Serial No.: 10/722,836

Examiner: Lester, Evelyn A.

Confirmation No.: 8166

Art Unit: 2873

Filed: November 26, 2003

For: **APPARATUS AND METHOD FOR CONTROLLING POLARIZATION IN
AN OPTICAL COMMUNICATIONS MEDIUM**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF RESPONSE TO RESTRICTION REQUIREMENT

Enclosed is the following document in response to the Office Action mailed on August 9, 2005, for the above-identified application:

☒ Response to the Restriction Requirement

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

Dated: 9/6/05

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Respectfully submitted,
COOLEY GODWARD LLP

By: Kenneth R. Backus, Jr.

Kenneth R. Backus, Jr.
Reg. No. 48,861

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Attorney Docket No.: COAD-005/00US

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By: _____

Dolores McKay

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RESPONSE TO RESTRICTION REQUIREMENT

Applicants respectfully request the entry of the following election in response to the Office Action dated August 9, 2005.

The Patent Office required an election under 35 U.S.C. § 121 of one of the following inventions:

I. Claims 1-38, drawn to a polarization controller, classified in class 359, subclass 484+; and

II. Claims 39-52, drawn to a method of resetting a polarization controller, classified in class 398, subclass 25.

Applicants provisionally elect to prosecute Claims 1-38 of Group I. The election is without traverse.

Dated: _____

9/6/05

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Respectfully submitted,
COOLEY GODWARD LLP

By: _____

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